

1 MAYER BROWN LLP
LEE H. RUBIN (SBN 141331)
2 lrubin@mayerbrown.com
EDWARD D. JOHNSON (SBN 189475)
3 wjohnson@mayerbrown.com
DONALD M. FALK (SBN 150256)
4 dfalk@mayerbrown.com
ERIC B. EVANS (SBN 232476)
5 eevans@mayerbrown.com
Two Palo Alto Square, Suite 300
6 3000 El Camino Real
Palo Alto, CA 94306-2112
7 Telephone: (650) 331-2000
Facsimile: (650) 331-2061

8 *Attorneys for Defendant*
9 *Google Inc.*

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13
14 IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

15 THIS DOCUMENT RELATES TO:
16 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF LEE H. RUBIN IN
SUPPORT OF GOOGLE INC.'S
OPPOSITION TO PLAINTIFFS'
MOTION TO COMPEL PRODUCTION
OF DOCUMENTS**

17
18 Date: February 26, 2013
19 Time: 10:00 a.m.
Courtroom: 5, 4th Floor
20 Judge: Honorable Paul S. Grewal

1 I, Lee H. Rubin, declare:

2 1. I am a member of the Bar of the State of California and a partner of the law firm of
3 Mayer Brown LLP, attorneys for Defendant Google Inc. I submit this declaration in support of
4 Google's Opposition to Compel Production of Documents. I make this declaration based on my
5 own personal knowledge. If called to testify as a witness, I could and would do so competently.

6 2. On the morning of January 25, 2013, I placed a call to Dean Harvey at Lieff,
7 Cabraser, Heimann and Bernstein, attorneys for Plaintiffs in this action. On the call, I offered to
8 share with Plaintiffs' counsel the declaration that Google intended to file in support of Google's
9 Opposition to Plaintiffs' Motion To Compel Production of Documents. I further proposed that the
10 parties stipulate to a one-day extension of time for Google to file its opposition brief to allow time
11 for Google to share the declaration and to have an opportunity to meet and confer in advance of
12 Google's current filing deadline.

13 3. In the late afternoon of January 25, 2013, Dean Harvey notified my partner, Eric
14 Evans, that Plaintiffs declined Google's proposal.

15
16 Executed on January 25, 2012, in Palo Alto, California.

17
18 By: /s/ Lee H. Rubin

19 Lee H. Rubin
20
21
22
23
24
25
26
27
28